

1-30-01

A

J1048 U.S. PTO  
11/26/01

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

Inventor(s): MATTHEW D. ORNES et al.

SC/Serial No.: Not-yet-assigned

Confirm. No.: Not-yet-assigned

Filed: Herewith

Title: PROGRAMMABLY SLICEABLE SWITCH-FABRIC  
UNIT AND METHODS OF USE

PATENT APPLICATION

Art Unit:

Examiner:

Customer No. 23910

J1050 U.S. PTO  
09/997478  
11/26/01

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. § 1.10

"Express Mail" mailing label number: EV042288645US

Date of Mailing: November 27, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to Box Patent Application, U.S. Patent and Trademark Office, P.O. Box 2327, Arlington, VA 22202, , on November 27, 2001.

*Janet G. Moore*

Janet G. Moore

Signature Date: November 27, 2001

**REQUEST FOR FILING DATE BASED ON SUSPENSION OF EXPRESS MAIL SERVICE  
BY UNITED STATES POSTAL SERVICE**

Commissioner for Patents  
Washington, DC 20231

Sir:

It is respectfully requested that the above-identified application papers, which are enclosed within the still-sealed Express Mail envelope accompanying this request, be accorded a filing date of November 26, 2001.

Per information and belief, Janet G. Moore of our law offices attempted to deposit the enclosed papers as Express Mail pursuant to 37 C.F.R. §1.10 on November 26, 2001. The postal clerk apparently refused the deposit. Enclosed is a DECLARATION BY JANET G. MOORE IN SUPPORT OF REQUESTED FILING DATE to support these statements.

09997478 11/26/01

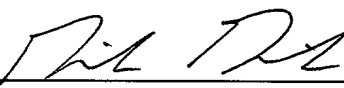
When Janet Moore returned from the Post Office and told me the story, I instructed her to keep the original envelope sealed and untouched so as to preserve the contents of what she had attempted to deposit as Express Mail. To the best of my knowledge this has been done and the enclosed and still-sealed Express Mail envelope is the one which she tried to deposit on November 26, 2001. We will now be trying to re-deposit this item as Express Mail addressed to the Virginia alternate address given at the USPTO's website.

Pursuant to 37 C.F.R. §1.6(e), it is respectfully submitted that the enclosed papers are being promptly filed after the initial refusal of the deposit by the USPS and that the enclosed correspondence would have been filed on November 26, 2001 were it not for the interruption or emergency in the United States Postal Service. It is therefore respectfully requested that the enclosed papers be given an official filing date of November 26, 2001.

The Commissioner is hereby authorized to charge underpayment of any fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this paper is enclosed.

Respectfully submitted,

Date: Nov. 27, 2001

By:   
Gideon Gimlan  
Reg. No. 31,955  
Telephone (408) 748-7300

FLIESLER DUBB MEYER & LOVEJOY LLP  
Four Embarcadero Center, Fourth Floor  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800

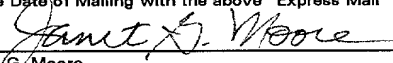
IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application of		<b>PATENT APPLICATION FILING</b>
Inventor(s):	MATTHEW D. ORNES et al.	Art Unit: Not-yet-assigned
SC/Serial No.:	Not-yet-assigned	Examiner: Not-yet-assigned
Filed:	Herewith	Customer No.: <u>23910</u>
Title: PROGRAMMABLY SLICEABLE SWITCH- FABRIC UNIT AND METHODS OF USE		Attorney Docket: <u>ZETTA-01009US0</u>
Patent Term Adjust Info		
PTO Mailed Date: N/A		PTO Effective Receipt Date:

CERTIFICATE OF MAILING BY "EXPRESS MAIL" UNDER 37 C.F.R. § 1.10

"Express Mail" mailing label number: EL467322365US  
Date of Mailing: November 26, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **BOX PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number.

  
Janet G. Moore (Signature)  
Signature Date: November 26, 2001

**NON-PROVISIONAL APPLICATION TRANSMITTAL LETTER  
UNDER 37 C.F.R. § 1.53(b)**

Box PATENT APPLICATION  
Commissioner for Patents  
Washington, DC 20231

Dear Sir:

This filing is summarized by the following **Table of Contents:**

<input checked="" type="checkbox"/>	Section I:	Identification of hardcopy <b>PAPERS</b> and/or electronic documents included herewith for initially forming <i>the presently submitted Non-Provisional Patent Application</i> . . . . .	2
<input type="checkbox"/>	Section II:	Identification of earlier-filed applications and/or claims of priority to dates thereof which inure to <b>BENEFIT</b> of the presently submitted application and <b>FIRST SENTENCE</b> Amendments . . . . .	X
<input checked="" type="checkbox"/>	Section III:	<b>PRE-GRANT PUBLICATION</b> information including optional <b>OPT-OUT CERTIFICATION</b> per 37 CFR § 1.213 . . . . .	3
<input checked="" type="checkbox"/>	Section IV:	<b>Amendments</b> (other than First Sentence ones) to initially formed and presently submitted application . . . . .	3

FOIA b 7 - D-42560

Legend: ☒ or ☒ means used or picked or provided  
☐ or \_\_\_ means \*not\* used / \*not\* picked / \*not\* provided

<b>SECTION I:</b>	<b>IDENTIFICATION OF HARDCOPY PAPERS AND/OR ELECTRONIC DOCUMENTS INCLUDED HERewith FOR INITIALLY FORMING THE PRESENTLY SUBMITTED, NON-PROVISIONAL APPLICATION (NPA)</b>
-------------------	---

Transmitted herewith for filing as a non-provisional patent application pursuant to 37 C.F.R. §1.53(b) are papers and/or electronic submissions identified as follows:

- ☒ No. of Pages of **Specification** = 103, which pages include an Abstract and 16 Claims (at least one).
- ☒ No. of Sheets of **Drawings** = 19, which sheets are:  
Informal \_\_\_; Publication-Quality ☒; Formal: \_\_\_.
- ☒ (A) ☒ Submission of originally-signed **Declaration** with number of pages (counting all counterpart versions if any) = 4.  
--OR--  
(B) \_\_\_ Submission of an originally-signed Declaration *is excused* because a copy is being submitted pursuant to 37 CFR §1.63(d)(1) of an earlier-filed Declaration from another application as detailed in below Section II.
- ☒ **Fee** is being concurrently paid by check or otherwise if box is checked.

The above-identified papers and/or electronic submissions are further identified by one or more of the following, invention-related and/or attorney-related attributes:

Title: *Programmably Sliceable Switch-Fabric and Methods of Use*

Inventor(s): (1) Matthew D. Ornes, (2) Christopher I.W. Norrie, (3) Gene K. Chui, (4) Onchuen (Daryn) Lau

Attorney Docket No: ZETTA-01009US0GGG  
Electronic File Name(s): N/A  
Other: N/A

105.004:120197

<b>SECTION II:</b>	<b>IDENTIFICATION OF EARLIER-FILED APPLICATIONS AND/OR CLAIMS OF PRIORITY BASED THEREON WHICH PRIORITY DATES INURE TO BENEFIT OF THE PRESENTLY SUBMITTED APPLICATION</b>
--------------------	--

Pursuant to 37 C.F.R. §1.78, the following Provisional (PPA) and/or Nonprovisional (NPA) and/or international (e.g. PCT) ones of, effectively Copending, Prior-Filed Complete Application(s), if any, are respectively identified *at least by series code and serial number* and international application number and filing date as follows: **NONE**

<b>SECTION III:</b>	<b>Pre-grant Publication information including optional OPT-OUT CERTIFICATION</b>
---------------------	---

For applications filed on or after November 29, 2000:

☒ **Preclusion from pre-grant publication is hereby requested** and a rescindable certification pursuant to 35 USC §122(b) is hereby made that the invention claimed and disclosed in the present application has not and will not be the subject of an application filed in another country, or under a multilateral international agreement, that requires publications of applications 18 months after filing.

--AND/OR--

☒ Preclusion from pre-grant publication is requested in an accompanying PTO Form PTO/SB/35 or a substantially similar such form (FDML 111.001) and is signed in compliance with 37 CFR §1.33(b).

-----  
☐ Early pre-grant publication is hereby requested pursuant to 37 CFR §1.219 and the publication fee set forth in 37 CFR §1.18(d) accompanies this request.

--OR--

☐ Applicant has no objection to pre-grant publication of this application pursuant to 37 CFR §1.211.

<b>SECTION IV:</b>	<b>Amendments (other than First Sentence ones) to the here initially formed and presently submitted application:</b>
--------------------	--

☒ **A PRELIMINARY AMENDMENT** is enclosed. Please enter the preliminary amendment before calculating the application filing fee. (Claims added should be consecutively numbered beginning with next number after highest number in the enclosed application papers.)

**SECTION V: Additional submissions and/or requests:**

***Pre-emptive* Provisional Election of Restrictable Claims and/or Restrictable Species**

In the event that the U.S. PTO deems a restriction requirement to be necessary and identifies two or more electable groups of claims and requires Applicant to elect one such group, Applicant hereby *pre-emptively* and provisionally elects, with traverse, the group which includes Claim 1.

In the event that the U.S. PTO deems an election among species to be necessary, and identifies two or more electable species or subspecies by pointing to respectively referenced items in the drawings, and requires Applicant to elect one of such identified species or subspecies, Applicant hereby *pre-emptively* and provisionally elects, with traverse, the species or subspecies which includes element 260 of Fig. 2B.

If neither of said election of claims or election of species is made a requirement by the U.S. PTO in its initial examination, then the above pre-emptive elections are to be treated as if they had not been made. If any of the above pre-emptive elections do not make sense given the context of the election requirements made by the U.S. PTO, then such a pre-emptive election by Applicant is to be deemed as not having been made.

**Petition for Extension of Time to Respond**

\_\_\_\_\_ No extension of time is required for maintaining the copendency of each of the above-identified, Immediate Parents.

\_\_\_\_\_ Pursuant to 37 C.F.R. §1.136(a), enclosed is/are Petitions for Extension of Time for maintaining the copendency of the corresponding Immediate Parent(s) up through and including today, together with the fee(s) set by 37 C.F.R. §1.17. (If such papers/fees are inadvertently missing, then this section, if checked, is to be treated as a request for such extensions as necessary to maintain copendency and authorization to charge the below-identified Deposit Account for such fees.)

**Power of Attorney**

\_\_\_\_\_ A power of attorney appears in Immediate Parent (#1).

\_\_\_\_\_ A new power of attorney is submitted herewith.

## Assignment

\_\_\_\_\_ Immediate Parent (#1) is assigned of record to: \_\_\_\_\_.

✓ \_\_\_\_\_ An assignment of the invention to:  
ZettaCom, Inc. is submitted herewith, together with an  
ASSIGNMENT RECORDATION FORM COVER SHEET and recordal fee  
of \$40.00.

## Small Entity Statement

\_\_\_\_\_ Statement(s) claiming small entity status is (are) submitted herewith.

\_\_\_\_\_ Statement(s) claiming small entity status was (were) filed in the  
parent application Serial No. \_\_\_\_\_, on \_\_\_\_\_ and its  
(their) benefit under 37 C.F.R. §1.28(a) is (are) hereby claimed.

## Also Enclosed Are:

\_\_\_\_\_ An Information Disclosure Statement under 37 C.F.R. §1.56.

## Filing Fee

The application filing fee is calculated as shown below:

No. Filed	No. Extra		Rate Small Entity/ Other Than Small Entity		
Basic Fee			\$370.00 \$740.00	=	\$ 740.00
Total Claims <u>16</u> ** - 20 =	<u>   </u> *	X	\$ 9.00 \$ 18.00	=	\$ 0.00
Independent Claims <u>8</u> ** - 3 =	<u>5</u> *	X	\$ 42.00 \$ 84.00	=	\$ 420.00
First Presentation of Multiple Dependent Claim(s) _____			\$140.00 \$280.00	=	\$
Total PATENT APPLICATION FILING FEE:					\$1,160.00

\* If the difference is less than zero, enter "0".

\*\* Count claims after any amendment.

039943-1301  
FILED 11/26/01

**Method of Payment of Fees**

The total fee associated with this communication is calculated as follows:

Patent application filing fee	\$1,160.00
Net fee for extension of time (See attached petition)	\$
Assignment recordal fee (See attached cover sheet)	\$ 40.00
	=====
TOTAL FEE DUE:	\$1,200.00

- ✓ A check in the amount of the TOTAL FEE DUE is enclosed.
- ✓ The Commissioner is hereby authorized to charge underpayment of any additional fees associated with this communication or credit any overpayment to Deposit Account No. 06-1325. A duplicate copy of this NON-PROVISIONAL APPLICATION TRANSMITTAL LETTER UNDER 37 C.F.R. §1.53(b) form is enclosed.

**Correspondence Address**


All correspondence should be addressed as follows:

Gideon Gimlan  
FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156

Direct all telephone calls to the undersigned attorney at (408) 748-7300.

Respectfully submitted,

Date: November 26, 2001

By:   
Gideon Gimlan  
Reg. No. 31,955

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
(415) 362-3800



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

In re Application

PATENT APPLICATION

Inventor(s): MATTHEW D. ORNES et al.

SC/Serial No.: Unknown

Filed: Herewith

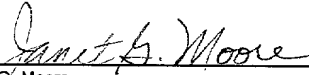
Title: PROGRAMMABLY SLICEABLE SWITCH-  
FABRIC UNIT AND METHODS OF USE

Customer No. 23910

CERTIFICATE OF MAILING BY "EXPRESS MAIL"  
UNDER 37 C.F.R. §1.10

"Express Mail" mailing label number EL467322365US  
Date of Mailing November 26, 2001

I hereby certify that this correspondence is being deposited with the United States Postal Service, utilizing the "Express Mail Post Office to Addressee" service addressed to **Box PATENT APPLICATION, Commissioner for Patents, Washington, DC 20231** and mailed on the above Date of Mailing with the above "Express Mail" mailing label number

  
Janet G. Moore  
Signature Date November 26, 2001

(Signature)

NON-PUBLICATION REQUEST AND CERTIFICATION  
UNDER 35 U.S.C. 122(b)(2)(B)(i)

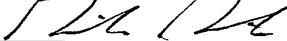
Box PATENT APPLICATION  
Commissioner for Patents  
Washington, DC 20231

Sir:

Based on information and belief, I hereby certify that the invention disclosed in the application submitted herewith **has not and will not be** the subject of an application filed by the Applicant in another country, or under a multilateral agreement, that requires publication at eighteen months after filing. It is hereby requested that the application submitted herewith **not be published** under 35 U.S.C. 122(b).

Respectfully submitted,

Date: Nov. 26, 2001

By:   
Gideon Gimlan  
Reg. No. 31,955

FLIESLER, DUBB, MEYER & LOVEJOY LLP  
Four Embarcadero Center, Suite 400  
San Francisco, California 94111-4156  
Telephone: (415) 362-3800

099743-12604  
TOTAL 842659